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SEP 28 2006

OFFICE OF PETITIONS

In re Application of :
Geoffrey B. Rhoads :
Application No. 09/758,532 : DECISION GRANTING PETITION
Filed: January 10, 2001 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 60244 :

This is a decision on the petition under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).


Petitioner is advised that the issue fee paid on August 25, 2006 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

The \$200 fee applied against petitioner's deposit account for the present petition under 37 CFR 1.313(c)(2) is in excess of the required fee of \$130. Accordingly, the \$70 overpayment will be refunded to petitioner's deposit account in due course.

It is noted in the amendment filed with the petition that petitioner is seeking to amend the priority claim to delete originally claimed Application No. 09/543,125 and adding a new priority benefit claim to Application No. 09/571,422. While no petition is required to delete a priority claim, a petition under 37 CFR 1.78(a)(3) is required in applications filed on or after November 29, 2000, where an applicant seeks to amend the specification to claim benefit of a prior-filed application after the periods specified in 37 CFR 1.78(a)(2)(ii).

Telephone inquiries should be directed to the undersigned at (571) 272-3218.

This matter is being referred to Technology Center AU 2618 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed amendment and Application Data Sheet.


Frances Hicks
Petitions Examiner
Office of Petitions

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¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B - Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment.